

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 11, 12 and 13 are currently being amended.

Claim 23 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-16 and 19-23 remain pending in this application.

Claim Objections

Claims 1 and 11-13 were objected to for certain informalities. Applicant has amended claims 1 and 11-13 to correct the informalities. The objections to the claims should now be withdrawn.

Rejections under 35 U.S.C. § 112

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner argued that claim 6 was directed to only one result of a determination and was indefinite for failing to show both instances of the determination. Applicant respectfully disagrees.

Claim 6 recites a method in which a component is translated into an appropriate format when a determination is made that the current format is not appropriate. Any other “instance” of the determination is irrelevant to the claim. Thus, the claimed language recites the scope of the claim in a definite manner. The Examiner’s proposed amendment to the claim represents unnecessary limitations to the claim. Accordingly, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. §§ 102 and 103

Claim 1-7, 9-16 and 19-22 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,430,177 to Luzeski et al. (hereinafter “Luzeski”). Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Luzeski in view of U.S. Patent No. 6,546,427 to Ehrlich et al. Applicant respectfully traverses the rejections for at least the following reasons.

As noted in an earlier response, Applicant notes that all of the individual processes recited in the claims occur within a single network entity and are not distributed among multiple entities, as disclosed by Luzeski. In the “Response to Arguments” section of the Office Action dated January 29, 2007, the Examiner argued that “network entity” was not recited in the body of the claims. Applicant notes that each of the claims recites a network entity either in the preamble or in the structure. However, in order to expedite prosecution of the application and without agreeing or disagreeing with the Examiner’s position, Applicant has amended claims 1 and 13 to more clearly recite that each of the processes involves the network entity. Further, Applicant has amended claim 12 to more clearly recite that the network entity comprises at least “an input” and “a processor”. Applicant notes that claim 11 recites a “network entity” comprising each of the elements of the body of the claim.

As to the Examiner’s argument that “the body of the claims appears to suggest the system to be distributed since the first limitation is directed to ‘sending entity’ which can only indicate … a separate unit,” Applicant respectfully notes that the limitation noted by the Examiner is “receiving media content.” The “receiving” is not performed by the “sending entity,” but rather by the “network entity.” Thus, the “sending entity” does not perform any of the processes recited in claim 1.

In contrast to the embodiments of the present invention recited in independent claim 1, 11, 12 and 13, Luzeski discloses that different entities perform different actions. As noted in Applicant’s Amendment of November 22, 2006, this fact is clearly delineated in Column 13, lines 18-33; Column 14, lines 6-12; and Figures 1 and 4A of Luzeski et al., where it is discussed how the UVMS custom client 10-7 completely controls end user presentation issues, while the Content Manager 12-2 is responsible for the generation and maintenance of

the messages. In other words, one entity is responsible for the forming of the “notification message,” while an entirely separate entity is responsible for making the message be in accordance with the “recipient data.”

Further, Luzeski fails to teach or even suggest a network entity forming a notification message in accordance with a recipient’s multimedia reception capabilities and/or reception preferences. First, Applicant notes that the portion of Luzeski cited by the Examiner does not even relate to media content to be streamed. For example, Luzeski discloses that the content is received by a plug-in in segments. Once all the segments are received by the plug-in, the “plug-in then plays or displays the voice or fax data.” Luzeski, col. 21, lines 11-12. Second, Luzeski fails to teach or suggest using the recipient’s multimedia reception capabilities and/or reception preferences to form the notification message. As noted in earlier amendments, Luzeski discloses nothing more than how a client application uses downloaded messages or content messages. Luzeski does not describe reception preferences and/or capabilities. The portions of Luzeski cited by the Examiner in the Office Action dated January 29, 2007, fail to cure this deficiency. For example, col. 23, lines 21-30 of Luzeski, cited by the Examiner, merely disclose some general customer-specific settings, such as a password, which are not related to multimedia reception.

Thus, Luzeski fails to teach or suggest each limitation of independent claim 1, 11, 12 and 13. Accordingly, claims 1, 11, 12 and 13 are not anticipated by Luzeski.

Alternatively, claims 1-16 and 19-22 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,556,217 to Makipaa et al. (hereinafter “Makipaa”). Applicant respectfully traverses the rejections for at least the following reasons.

Embodiments of the present invention relate to multimedia messaging. Applicant has amended each of independent claims 1, 11, 12 and 13 to more clearly recite this aspect. For example, each of independent claim 1, 11, 12 and 13, as amended, recite “media content relating to multimedia messaging.”

On the other hand, Makipaa relates to pagination of content based on the capabilities of a terminal. Since Makipaa does not relate to multimedia messaging, Makipaa fails to teach

or suggest “media content relating to multimedia messaging.” Since Makipaa fails to teach or suggest at least this feature of the invention, as recited in independent claims 1, 11, 12 and 13, the claims are not anticipated by Makipaa.

Thus, independent claims, 1, 11, 12 and 13 are patentable. Claims 2-10, 14-16 and 19 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 20, 21 and 22 depend from claims 11, 12 and 13, respectively. Therefore, claims 20-22 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. New claim 23 is patentable for the same reasons that apply to claim 11.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: May 29, 2007

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